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U.S. Department of State

Suriname Country Report on Human Rights Practices for 1997

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SURINAME

After over a decade of predominantly military rule, Suriname installed a freely elected Parliament and inaugurated a democratically chosen president in 1991. That president, Ronald Venetiaan, sought reelection in May 1996, but no candidate was able to secure the two-thirds majority of the 51-member National Assembly necessary to elect a president. In accordance with the Constitution, an 837-member United People's Assembly, a broadly representative, democratically chosen body, then voted in Jules Wijdenbosch of the National Democratic Party (NDP) as President in September 1996. Wijdenbosch formed a cabinet from members of the NDP, the ethnic-Hindustani Grassroots Party for Renewal and Democracy, the ethnic-Javanese party KTPI, and several smaller political parties. Although the Constitution provides for an independent judiciary, the effectiveness of the courts is limited in practice.

The armed forces are responsible for national security, border, and immigration control and are nominally under control of the civilian Minister of Defense. Civilian police bear primary responsibility for the maintenance of law and order, and report to the Ministry of Justice and Police. The Venetiaan government had taken steps to reform the military in 1995-96 by purging military officers and supporters of former dictator Desi Bouterse, who ruled the country in the 1980's. Although this action somewhat extended democratic civilian control over the military, since the establishment of the Wijdenbosch Government, Bouterse loyalists have returned to positions of responsibility. Moreover, in April President Wijdenbosch named Bouterse as First State Adviser, formalizing his influence over the government. Prison officials and the military continue to be responsible for some human rights abuses.

The economy depends heavily on the export of bauxite derivatives. Unregulated gold mining is an increasingly important economic activity that highlights a lack of land rights for indigenous and tribal people and has a serious environmental impact. The Government and state-owned companies employ over half the working population. Following 4 years of double-digit inflation, the rate dipped to 1 percent in 1996 and remained under 5 percent for most of 1997. The estimated real economic growth rate was about 4 percent, and per capita annual income is about \$1,372.

The Government generally respected the human rights of its citizens; however, endemic problems still remain in some areas. Police mistreat detainees, guards abuse prisoners, and jails are overcrowded. The judiciary suffers from a huge case backlog. Societal discrimination against women and indigenous and tribal people persist, and violence against women is a problem. In view of the human rights record of the Bouterse regime, many of whose members participate in the current Government, human rights organizations remain concerned about the potential for a deterioration of civil liberties. The Wijdenbosch administration has not addressed calls to investigate human rights abuses by previous regimes, other than by appointing a committee in December to establish a framework for an investigative commission.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings. However, the human rights group Moiwana '86 began an investigation into the death of a prisoner following complaints from the prisoner's family that he was beaten to death by prison guards. Moiwana '86 also investigated the death of a prisoner by hanging, under what it characterized as suspicious circumstances, and criticized prison authorities for not responding to requests for information. Both investigations were still pending at year's end.

The Government has not addressed past abuses, and they continue to fester. The authorities have not taken action against prison guards who allegedly beat a prisoner to death in 1993. The Government undertook no investigation into the 1982 executions by the Bouterse regime of 15 opposition leaders and the 1986 massacre of civilians at the village of Moiwana.

However, on December 5, the Wijdenbosch administration appointed a "committee to establish the framework for a commission to investigate past human rights abuses." Human rights groups, which had been pressing since 1995 for an independent human rights commission to investigate violations committed during the 1980's, were neither informed nor consulted prior to the establishment of the committee. Moreover, the chairman of the committee is reportedly a member of Bouterse's team of legal advisers; his appointment raised questions regarding the objectivity of the group's work. The Organization for Justice and Peace, a nongovernmental organization (NGO), has initiated a process aimed at creating an independent truth commission for the country, which would include national and international experts.

Moiwana '86 unsuccessfully challenged in the lower court of Paramaribo the validity of the Amnesty Law passed in 1992, which pardoned members of the military and the insurgents for crimes (except genocide) committed between January 1985 and August 1992.

b. Disappearance

There were no reports of politically motivated disappearances.

However, the Government took no action to investigate allegations of disappearances that occurred under previous regimes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits inhuman treatment or punishment, but human rights groups continue to express concern about official mistreatment. Police mistreat detainees and guards abuse prisoners.

Prison conditions are uneven. Human rights activists have complained that the jails are overcrowded, that guards systematically mistreat prisoners, and that medical care and living conditions are inadequate. There are two state prisons and several detention facilities, where arrestees are detained until they appear before a judge. The completion of a new prison and renovation of existing jails have somewhat reduced overcrowding and improved overall health and safety conditions. The older jails, however, remain seriously overcrowded, with as many as four times the number of detainees for which they were designed. In addition, these older prisons are unsanitary. At police stations, guards allow detainees no exercise and only rarely permit them to leave the cells. Detainees also suffer from inadequate nutrition, although families are permitted and encouraged to provide food to incarcerated relatives.

In January 1996, the human rights group Moiwana '86 implemented a program to monitor the condition of prisoners. Representatives of the group report that in general they have access to prisoners and receive cooperation from prison officials on routine matters.

d. Arbitrary Arrest, Detention, or Exile

The law provides that the police may detain for investigation up to 14 days a person suspected of committing a crime for which the sentence is longer than 4 years. The law also permits incommunicado detention during this period, which must be authorized by an assistant district attorney or a police inspector. Within the 14-day period, the police must bring the accused before a prosecutor to be formally charged. If additional time is needed to investigate the charge, a prosecutor may authorize the police to detain the suspect for an additional 30 days. Upon the expiration of the initial 44 days, a "judge of instruction" may authorize the police to hold the suspect for up to 120 additional days, in 30-day increments (for a total of 164 days), before the case is tried. The judge of instruction has the power to authorize release on bail, but that power is rarely, if ever, used.

Pretrial detainees, who constitute a large percentage of inmates, are routinely held without being brought before a judge. They are often held in overcrowded detention cells at local police stations. Of those held in police custody or detention cells, 15 percent had already been convicted, but were not placed in prisons.

In October the authorities arrested about 25 men for allegedly attempting to overthrow the Government. The detainees were accorded due process under the law and were given access to attorneys and family members. There were no reports of police beatings or mistreatment. According to the Attorney General, the accused are expected to face trial in early 1998.

The military police observed the requirement to hand over civilians arrested for committing a crime in their presence to the civil police. The military police continued to control the country's borders and airports but no longer investigated civilian crimes.

While not specifically forbidden by law or the Constitution, exile is not practiced as a means of political control.

e. Denial of Fair Public Trial

Although the Constitution provides for an independent judiciary, the effectiveness of the civilian and military courts is limited.

The judicial system consists of three lower courts and an appeals court; there is no Supreme Court. The 1987 Constitution calls for the establishment of an independent constitutional court. However, the Government has not taken any steps to set up such a court, and the timing of its establishment remains unclear.

The Constitution provides for the right to a fair public trial in which defendants have the right to counsel. The courts assign lawyers in private practice to defend prisoners and pay them from public funds. However, the court-assigned lawyers usually only show up at the trial, if they show up at all. The courts must, and in practice do, free a detainee who is not tried within the 164-day period. Trials are before a single judge, with the right of appeal. There are only nine judges to preside over all court cases; consequently, there is a huge backlog in the judicial system.

Military personnel are generally not subject to civilian criminal law. A soldier accused of a crime immediately comes under military jurisdiction, and military police are responsible for all such investigations. Military prosecutions are directed by an officer on the public prosecutor's staff and take place in separate courts before two military judges and one civilian judge. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

Foreign military instructors conducted human rights and military justice seminars in 1997. These seminars provided unprecedented opportunities for civilian government officials, private sector representatives, and military personnel to discuss human rights and the role of the military in a democracy.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy. The law requires warrants for searches, which are issued by quasi-judicial officers who supervise criminal investigations. The police obtain them in the great majority of investigations. There have been complaints of surveillance of human rights workers by members of the military police and the division of central intelligence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights. However, there were reports of intimidation and harassment. Political leaders of the ruling coalition have expressed their frustration, accusing the media of espousing antigovernment rhetoric.

The parliamentary and extraparliamentary opposition criticize the government freely. Media members

continue to practice some self-censorship because of the recent history of intimidation and reprisals by certain elements of the former military leadership. On December 8, three men kidnaped, beat, and threatened a journalist in broad daylight. The incident occurred on the anniversary of the 1982 murders of 15 political opponents of the Bouterse regime and appeared aimed at stifling criticism in the local press. At year's end, the attack was still under investigation.

The two daily newspapers, three television stations, and most of the radio stations are privately owned. Two television stations and two radio stations are publicly owned. Three companies provide cable television, which includes international channels.

The Government did not attempt to abridge academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens may change their residence and workplaces freely and travel abroad as they wish. Political dissidents who emigrated to the Netherlands and elsewhere during the years of military rule are welcome to return. Few of them have chosen to do so, generally for economic reasons. Citizenship is not revoked for political reasons.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise in 1997. There were no reports of forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for this right, but in the past the military prevented its effective exercise. Although the military has twice handed over power to elected civilian governments following coups, 1996 marked the first time since independence from the Netherlands in 1975 that one elected government succeeded another in accordance with constitutional provisions. The Government is still in the process of institutionalizing democratic, constitutional rule.

The Constitution stipulates that power and authority rest with the people and provides for the right to change the government through the direct election by secret ballot of a National Assembly of 51 members every 5 years. The National Assembly then elects the President by a two-thirds vote. If the legislature is unable to do so, as was the case both in the 1991 and 1996 national elections, the Constitution provides that a national people's assembly, comprising members of parliament and regional and local officials, shall elect the President.

The Constitution provides for the organization and functioning of political parties. Many parties and political coalitions are represented in the National Assembly.

There are historical and cultural impediments to equal participation by women in leadership positions in

government and political parties. In the past, most women expected to fulfill the role of housewife and mother, thereby limiting opportunities to gain political experience or position. Participation by women in politics (and other fields) was generally considered inappropriate. While women have made limited gains in attaining political power in recent years, political circles remain under the influence of traditional male-dominated groups, and women are disadvantaged in seeking high public office. In 1996 voters elected six women to the National Assembly, compared with three who held seats in the previous assembly, and the assembly appointed a woman as chairperson. The Cabinet includes one woman as Minister of Regional Development and another as Deputy Minister of Social Affairs.

Although the Constitution proscribes racial or religious discrimination, several factors limit the participation of Maroons and Amerindians in the political process. Most of the country's political activity takes place in the capital and a narrow belt running east and west of it along the coast. The Maroons and Amerindians are concentrated in remote areas in the interior and therefore have limited access to, and influence in, the political process. There is a small Maroon political party, which holds three seats in the National Assembly and belongs to an opposition coalition. Although there is no Amerindian political party, voters elected the first Amerindians to the National Assembly in 1996. There are eight Maroons and two Amerindians in the National Assembly. There are no Maroons or Amerindians in the cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are, however, generally not cooperative or responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and laws do not differentiate among citizens on the basis of their ethnic origins, religious affiliations, or other cultural differences. In practice, however, several groups within society suffer various forms of discrimination.

Women

The law does not differentiate between domestic violence and other forms of assault. The Government has not specifically addressed the problem of violence against women. According to a national women's group, victims reported approximately 500 cases of violence against women, and complained of an inadequate response from the Government and society to what appears to be a trend of increasing family violence. Police are reluctant to intervene in instances of domestic violence, which remains a problem at all levels of society.

There are no specific laws to protect women against trafficking and sexual exploitation. There are credible reports of trafficking in women and girls for prostitution.

Women have the right to equal access to education, employment, and property. Nevertheless, social pressures and customs inhibit their full exercise of these rights, particularly in the areas of marriage and inheritance. Women experience economic discrimination in access to employment and in rates of pay for the same or substantially similar work. The Government has not made specific efforts to combat economic discrimination.

The National Women's Center is a government agency devoted to women's issues; there is also a women's policy coordinator. Their effectiveness is severely limited by financial and staffing constraints. The principal concerns of women's groups are political representation, economic vulnerability, violence, and discrimination.

Children

School attendance is free and compulsory until 12 years of age, but some school-age children do not have access to education because of a lack of transportation, facilities, or teachers. There is no difference in the treatment of girls and boys in education or health care services. Children face increasing economic pressure to discontinue their education in order to work.

The Government makes only limited efforts to ensure safeguards for the human rights and welfare of children. There are continuing reports of malnutrition among poor children, but it is difficult to quantify the extent of the problem. In the capital, where most of the country's population is concentrated, there are several orphanages, and a privately funded shelter for sexually abused children opened in 1993. Elsewhere, distressed children must usually rely on the resources of their extended families.

There is no societal pattern of abuse directed against children; however, the legal age of consent is 12 and some children are exploited for prostitution.

People With Disabilities

There are no laws concerning disabled people and no provisions for making private or public buildings accessible to them. There are also no laws mandating that they be given equal consideration when seeking jobs or housing. However, there are some training programs for the blind and others with disabilities.

Indigenous People

Most Amerindians and Maroons suffer a number of disadvantages and have only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The nation's political life, educational opportunities, and jobs are concentrated in the capital and its environs, while the majority of Amerindians and Maroons live in the interior. Government services in the interior became largely unavailable and much of the infrastructure was destroyed during the 1986-91 domestic insurgencies; progress in reestablishing services and rebuilding the infrastructure has been very slow.

The Government appointed the Consultative Council for the Development of the Interior in September 1995. This Council, provided for in the 1992 peace accords that ended the insurgencies, includes representatives of the Maroon and Amerindian communities. The Government did not, however, consult with representatives of these communities about the granting of gold and timber concessions on indigenous and tribal lands.

The World Council of Churches has condemned large scale commercial mining in the country, claiming that it violates the human rights of the indigenous people who live in the mining concession areas. Organizations representing Maroon and Amerindian communities also complain that the companies dig trenches that cut residents off from their agricultural land and threaten to drive them away from their traditional settlements. Three meetings held in 1996-97 with the leaders of Nieuw Koffiekamp, one of the principal villages involved in the indigenous community conflicts with mining concessionaires, have not resulted in a mutually approved agreement. Several members of the villages are involved in small-

scale mining and do not want to lose access to areas where they have traditionally mined. In March an indigenous land rights organization accused a foreign mining company of hiring security guards associated with the previous military regime, who have threatened and intimidated villagers in Nieuw Koffiekamp.

Maroon and Amerindian groups continue to cooperate with each other in order to exercise their rights more effectively. Two summits, or "gran krutus," bringing together Maroon and Amerindian tribal leaders, have been held, the most recent in September 1996. During these summits, indigenous leaders reiterated their demands for the right to participate in decisions concerning the use of natural resources on land they claim as their own and for greater autonomy from the Government.

Section 6 Worker Rights

a. The Right of Association

The Constitution protects the right of workers to associate and to choose their representatives democratically. Nearly 60 percent of the work force is organized into unions, and most unions belong to one of the country's six major labor federations. Unions are independent of the Government but play an active role in politics. The small Labor Party has historically been a very influential force in government.

The Constitution provides for the right of nongovernment employees to strike. Civil servants have no legal right to strike or mount other labor actions, but in practice do so. Strikes in both the public and private sectors are common as workers try to secure wage gains to protect their earning power from inflation.

There are no restrictions on unions' international activities. Several labor federations were accepted once again as affiliates of international trade union organizations, after having been suspended for collaboration with the military regime in the late 1980's.

b. The Right to Organize and Bargain Collectively

The Constitution explicitly recognizes these rights, and the authorities respect them in practice. Collective bargaining agreements cover approximately 50 percent of the labor force. The law prohibits antiunion discrimination by employers, and there are effective mechanisms for resolving complaints of such discrimination. Employers must have prior permission from the Ministry of Labor to fire workers, except when discharging an employee for cause. The Labor Ministry individually reviews dismissals for cause; if it finds a discharge unjustified, the employee must be reinstated.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no reports that it occurred. However, there were credible reports of trafficking in women and girls for prostitution (see Section 5). The law prohibits forced and bonded labor by children, and such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum age for employment at 14 years. However, the Ministry of Labor and the

police enforce this law only sporadically. Children under 14 years of age work as street vendors, newspaper sellers, or shop assistants. Working hours for youths are not limited in comparison with the regular work force. School attendance is compulsory until 12 years of age. The law prohibits forced and bonded labor by children, and there were no reports of such practices, although trafficking of girls for prostitution does occur (see Section 6.c.).

e. Acceptable Conditions of Work

There is no minimum wage legislation. Following a 50 percent pay raise, the lowest wage for civil servants is about \$59.29 (SF 25,200) per month. This salary level makes it very difficult to provide a decent living for a worker and family. Government employees, who comprise close to 50 percent of the work force of 100,000, frequently supplement their salaries with second or third jobs, often in the informal sector. The President and Council of Ministers set and approve civil service wage increases.

Work in excess of 9 hours per day or 45 hours per week on a regular basis requires special government permission, which is routinely granted. Such overtime work earns premium pay. The law requires one 24-hour rest period per week.

A 10- to 12-member inspectorate of the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing legislated occupational safety and health regulations. Resource constraints and lack of trained personnel preclude the division from making regular inspections of industry. Accident rates in local industry do not appear to be high, and the key bauxite industry has an outstanding safety record. There is, however, no law authorizing workers to refuse to work in circumstances they deem unsafe. They must appeal to the inspectorate to declare the workplace situation unsafe.

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